

KENNY C. GUINN
Governor



ALLEN BIAGGI
Administrator

State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection

2002 Biennial Report

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► INTRODUCTION:

PURPOSE:

The division is responsible for the statewide regulatory programs for the protection of the health and welfare and environment of the public. Programmatic areas include air quality, water quality, hazardous and solid waste, mining reclamation, highly hazardous chemicals and alternative fuels, federal facilities, waste management, and water pollution issues.

ORGANIZATIONAL STRUCTURE:

The division is divided into nine units: Administration and eight Bureaus - the Bureaus of Air Quality Planning, Air Pollution Control, Water Pollution Control, Water Quality Planning, Mining Regulation and Reclamation, Corrective Actions, Waste Management, and Federal Facilities. The division also provides staff support for the State Environmental Commission and the Board to Review Petroleum Claims.

STATUTORY AUTHORITY:

NRS 232.136, 444, 444A, 445A, 445B, 445C, 459, 486A, 519A, 590, and 704

NUMBER OF EMPLOYEES:

193 FTE/2002 December

PUBLICATIONS:

Nevada Nonpoint Source State Management Plan (SMP)

Walker Lake and Walker River Water Quality Standards and Rationale

2002 CWA Section 303(d) Listing Methodology

Virgin River, Bryant Creek, East Fork Owyhee River TMDL

Air Quality Annual Report

Water Quality Assessment (305B) Report

208 Water Quality Management Plans for Non-Designated Areas

Comprehensive State Groundwater Protection Program Profile

Handbook of Biosolids Analysis

"A Guide to the Toxic Release Inventory for Nevada" prepared for NDEP by the Nevada Small Business Development Center, Business Environmental Program, 2000

"Public Buildings Recycling Program Model Plan" prepared by the Solid Waste Program, October 2001

"Draft Water Quality and Pollution Control Continuing Planning Process Document"

► ADMINISTRATIVE OFFICES

PURPOSE:

To support the division's Small Business Assistance Program and the Ombudsman. The Ombudsman focuses on providing technical assistance to businesses on how to comply with environmental regulatory programs. The Administrator's Office also contains the Office of Fiscal and Personnel Management and the Office of Information Management. These respective offices provide financial management oversight and computer management services.

OBJECTIVE:

Develop electronic mapping (GIS) and an INTERNET web site for the division to enhance planning and communication with regulated businesses and the public.

ACCOMPLISHMENT:

The division has developed and sustained an INTERNET site that provides information to the public on environmental and regulatory issues.

OBJECTIVE:

Continue to modernize the division's electronic information management environment.

ACCOMPLISHMENTS:

The division has engaged in a comprehensive review of how it manages its information management resources. The division has revamped the operating environment for computer activities and has established a computer operations and planning framework.

BUREAU OF AIR POLLUTION CONTROL

PURPOSE:

To achieve and maintain levels of air quality, which protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and to preserve the scenic, historical and aesthetic treasures of the state. The bureau evaluates potential air quality impacts and establishes appropriate pollution control requirements through the issuance and enforcement of permits for stationary and temporary sources of air pollution in all areas of the state except in Clark and Washoe Counties. The bureau has statewide responsibility for controlling emissions from steam electric power.

OBJECTIVE:

Ensure that air pollutant sources operate in compliance with established air pollution control regulations and permit requirements.

ACCOMPLISHMENT:

During the 2000/2001 biennium, the bureau has continued to evaluate and establish effective air pollution control measures through permitting of new and existing sources of air pollution and has received final approval of the Title V permitting program.

OBJECTIVE:

Work with sources of air pollution to effectively control the emissions of air pollutants.

ACCOMPLISHMENT: The bureau has established a small source (Class III) permitting program, which provides a more streamlined and cost effective permit for small industry.

OBJECTIVE:

Identify and monitor sources of air pollutants, which may impact public health and the environment.

ACCOMPLISHMENT:

The bureau has been working with developers and land use planners to address air quality issues in the Fernley area and along the Truckee River corridor.

OBJECTIVE:

Maintain an accurate inventory of air pollutant emissions.

ACCOMPLISHMENT:

An increment tracking system has been developed and will be used to assist the local government and industry in locating new facilities in the area in order to better manage the available air resources.

SIGNIFICANT LEGISLATION OR EXECUTIVE ACTION AFFECTING THE AGENCY: The Bureau of Air Quality was divided into two separate bureaus; the Bureau of Air Quality Planning and the Bureau of Air Pollution Control in November 2001.

BUREAU OF AIR QUALITY PLANNING

PURPOSE:

To plan, develop, and implement air pollution control programs. The bureau evaluates potential air quality impacts and establishes appropriate pollution control requirements through the preparation of state implementation plans, the development of regulations, and ambient air monitoring. The bureau is responsible for implementing the conversion of

public fleets to alternative fuels. The bureau coordinates with the Department of Motor Vehicles on the vehicle emission inspection program in Clark and Washoe Counties, including a program for heavy-duty diesel trucks. The bureau is also responsible for ensuring compliance through technical assistance to the regulated community.

OBJECTIVE:

Operate and maintain an ambient air quality monitoring network to determine areas that approach or exceed the established state and federal health and welfare standards.

ACCOMPLISHMENT:

The bureau has been working with EPA to clarify the status of the use of hydrographic basins as the planning area for the purposes of air quality planning in Nevada.

OBJECTIVE:

Identify and monitor sources of air pollutants, which may impact public health and the environment by maintaining an accurate inventory of air pollutant emissions from both stationary and area sources statewide necessary to do regional haze planning.

ACCOMPLISHMENTS:

The bureau has been working with developers and land use planners to address air quality issues in the Fernley area and along the Truckee River corridor.

An emission inventory and modeling will be completed by the end of FY 2002 that will facilitate future development while meeting air quality standards in those areas.

OBJECTIVE:

Work with local government and sources of air pollution to effectively control the emissions of air pollutants in areas that are not in attainment with state or federal standards.

ACCOMPLISHMENTS:

The bureau has continued to evaluate and establish effective air pollution control measures through planning and coordination with local government.

OBJECTIVE:

The bureau is developing an emissions inventory, do the modeling, and create control measures necessary for an approvable regional haze SIP.

ACCOMPLISHMENTS:

The bureau continues to monitor western regional efforts related to EPA's proposed regional haze control rule. The bureau continues to work extensively with Clark County on the development of its PM and carbon monoxide implementation plans.

SIGNIFICANT LEGISLATION OR EXECUTIVE ACTION AFFECTING THE AGENCY: Regional haze program staff is beginning work on regional haze planning for Nevada.

BUREAU OF WATER POLLUTION CONTROL

PURPOSE:

To issue wastewater discharge permits, conduct compliance inspections, enforce water pollution control permit requirements, administer the State Revolving Loan Fund program, review and approve the design of wastewater treatment facilities, review subdivision plans for water pollution and adequate sewage disposal, and conduct training and certification programs for wastewater treatment plant operators. In addition, the bureau administers the A.B. 198 grant program to assist small public owned drinking water systems.

OBJECTIVE:

Continue with early intervention through the water pollution control permitting program.

ACCOMPLISHMENTS:

The bureau has developed a program to permit Class V underground injection wells and is working in conjunction with Nevada's agricultural industry to develop a permitting program for confined animal feeding operations, such as dairies and feedlots. The bureau has also developed a program to permit the reuse of biosolids.

OBJECTIVE:

Continue to assist Nevada's communities by the issuance of wastewater treatment construction loans, providing training, and technical assistance for wastewater treatment plant operators.

ACCOMPLISHMENTS:

The bureau has processed \$140,198,371 in wastewater treatment facility construction loans from the State Revolving Loan program. Communities receiving loans include: Mesquite, Winnemucca, Elko, Henderson, Yerington, West Wendover, Carson City, Sparks, Lovelock, Fernley, Jackpot, Incline Village GID, Washoe County, Indian Hills GID, Fallon, Silver Springs GID, and Battle Mountain. The bureau has provided grant funding to some of the following communities to bring their drinking water supply up to current state and federal requirements: Kingston, Silver Peak, Yerington-Mason, Moundhouse, Gerlach, Fallon, Tonopah, Virginia City, Caliente, Montello, etc. Total assistance provided since February 2001 is \$16,545,026.

SIGNIFICANT LEGISLATION OR EXECUTIVE ACTION AFFECTING THE AGENCY: The EPA has passed final rules for stormwater activities. These new "phase II" rules will apply to all urban centers and construction activities, one acre or larger.

BUREAU OF MINING REGULATION AND RECLAMATION

PURPOSE:

The Bureau of Mining Regulation and Reclamation is divided into three major programs: the Regulation Branch, the Mine Closure Branch, and the Reclamation Branch.

The Regulation Branch is responsible for ensuring that the quality of Nevada's water resources is not adversely impacted by active mining operations. The branch issues permits to prevent degradation of Nevada's water, conducts inspections, takes appropriate action to ensure compliance with permit conditions, and reviews the regulatory fee structure that supports the branch.

The Mine Closure Branch regulates mines in closure, ensuring chemical stabilization of all components. This branch also issues permits to prevent degradation of Nevada's water, conducts inspections, takes appropriate action to ensure compliance with permit conditions, and reviews the regulatory fee structure that supports the branch.

The Mining Reclamation Branch ensures that land disturbed by mining and exploration activities is returned to a productive post-mining land use. The branch is responsible for issuing reclamation permits, reviewing bond cost estimates and establishing surety requirements, conducting compliance inspections, initiating regulatory actions, and reviewing the regulatory fee structure that supports the branch.

OBJECTIVE:

Provide a well-established regulatory framework whereby environmentally responsible mining is encouraged and environmentally irresponsible mining is prevented.

ACCOMPLISHMENTS:

During the FY 2000-2001 biennium the bureau issued 78 permits and conducted 1,123 inspections. Most mining operations are now covered by water pollution control permits and reclamation permits.

OBJECTIVE:

Foster the development and implementation of more efficient and cost effective closure and reclamation methods.

ACCOMPLISHMENT:

Reclamation awards have been established to promote innovative, yet practical and cost effective techniques in mining reclamation.

OBJECTIVE:

Foster the development and implementation of more effective and practical methods to predict and manage pit lake water quality.

ACCOMPLISHMENT:

The Sleeper Mine is an example where treatment of the water resulted in water quality being stabilized.

OBJECTIVE:

Foster the development and implementation of more effective and practical methods to characterize and manage acid generating waste rock.

ACCOMPLISHMENT:

Anglo Mining used under dump drain system that is considered to be innovative and a state of the art in mining water management.

OBJECTIVE:

Establish and sustain a system of surety that is durable fiscally secure.

ACCOMPLISHMENTS:

A fund mechanism was established that provides a million dollar trust fund used to manage mining fluids at abandoned mining sites. Bonding for closure was tightened to provide a more overarching framework to deal with mining closure.

BUREAU OF WATER QUALITY PLANNING

PURPOSE:

The bureau's purpose is to protect Nevada's limited surface waters through the establishment of water quality standards, monitoring, public education, and funding of water quality improvement projects. The bureau develops local, regional, and statewide plans to ensure water quality standards are maintained and impaired surface waters are restored where possible.

OBJECTIVE:

Review and update water quality standards and beneficial uses at least once every three years.

ACCOMPLISHMENTS:

From 1998 through 2001, bureau staff developed new water quality standards for Walker Lake and revisions to existing standards for Walker River. The Nevada Environmental Commission adopted the Walker River revisions and water quality standards for Walker Lake in December 2001. A lawsuit filed by Mineral County and the Walker Lake Working Group is currently pending against the EPA over Walker Lake.

OBJECTIVE:

Conduct statewide water quality sampling to determine compliance with applicable standards.

ACCOMPLISHMENT:

Water quality monitoring continues to be performed by the bureau to verify compliance with the standards on all major water systems within Nevada.

OBJECTIVE:

Prepare water quality assessment reports and impaired surface water listings.

ACCOMPLISHMENT:

The draft listing has been prepared for public review.

OBJECTIVE:

Develop Total Maximum Daily Loads (TMDLs) to improve surface water quality.

ACCOMPLISHMENT:

TMDL's were prepared for the Virgin and Muddy Rivers and submitted to EPA for approval.

OBJECTIVE:

Mitigate the adverse effects from nonpoint source pollution through implementation of water quality improvement projects and public education.

ACCOMPLISHMENT:

The bureau is funding approximately 50 water quality improvement projects statewide.

OBJECTIVE:

Prepare a final Continuing Planning Process (CPP) document for how water quality standards, permits, and impaired listings are prepared and processed.

ACCOMPLISHMENT:

A draft of the CPP was been prepared for public review.

SIGNIFICANT LEGISLATION OR EXECUTIVE ACTION AFFECTING THE AGENCY: Ground water programs within the division were consolidated in 2001. The Wellhead and Ground Water Protection programs within the bureau were moved to the Bureau of Water Pollution Control.

BUREAU OF FEDERAL FACILITIES

PURPOSE:

The bureau oversees environmental remediation activities being initiated on Department of Defense (DoD) and Department of Energy (DOE) installations. These activities are related to the clean-up of historically contaminated federal sites in Nevada (e.g, Nevada Test Site, Nellis Air Force Base and Range Complex, Hawthorne Ammunition Depot, Fallon Naval Air Station, etc.). The bureau is also responsible for the permitting and regulatory compliance of active water pollution control and waste management operations on DOE facilities.

OBJECTIVE:

Work with federal defense and energy agencies to develop acceptable planning schedules for the remediation of contaminated sites on federal facilities in Nevada.

ACCOMPLISHMENT:

The bureau has continued to implement the terms of Consent Agreements with federal defense and energy agencies for corrective action and waste management activities conducted on the Nevada Test Site and on the identified DOD installations.

OBJECTIVE:

Work with federal agencies to expedite clean-up of contaminated sites to allow potential re-use of sites and facilities for both defense and non-defense purposes.

ACCOMPLISHMENTS:

Approximately 3,200 contaminated sites have been identified for assessment and remediation at the above-mentioned federal facilities. Over 1,270 of these sites have been formally approved by the division for closure.

OBJECTIVE:

Work with the DOE and other interested states on proposed modifications to the Atomic Energy Act.

ACCOMPLISHMENTS:

Under a federal grant agreement, the bureau has entered into a formal process of reviewing low level radioactive waste management and disposal practices at the Nevada Test Site. This is the first formal agreement of its kind in the United States.

BUREAU OF CORRECTIVE ACTIONS

PURPOSE:

The bureau oversees remediation and corrective actions related to the cleanup of releases of hazardous and regulated chemicals using a multi-media (air, water, soil, and ecological resources) approach. In addition, the bureau administers a federal "superfund" grant and certifies environmental consultants to ensure that competent individuals are providing services and information to the businesses and citizens of the state for environmental cleanups.

OBJECTIVE:

Continue to work with the EPA to integrate the federal superfund activities with State Remedial Action activities.

ACCOMPLISHMENTS:

Since the 1992 inception of a formalized remedial action program, approximately 1,198 non-UST sites have been investigated and cleaned up to state requirements. These cases involved petroleum products, heavy metals, organic compounds, pesticides, and PCB's. Approximately 225 cases are open and active at any given time. Remediation efforts continue in Washoe County to investigate the extent of ground water contamination by cleaning solvents in downtown Reno. Monitoring activities are on-going. A fluids management plan is being implemented at the former Anaconda mine site in Yerington to protect the Walker River and adjacent lands. Cleanup activities at the Rio Tinto mine in northern Elko County are continuing. Major cleanup efforts at the BMI industrial complex in Henderson are on-going to remediate contamination and turn the site into a master planned community.

OBJECTIVE:

Coordinate Petroleum Cleanup Fund actions with the Underground Storage Tank program for the enforcement of tank rules and requirements, and the development of policy and operational procedures.

ACCOMPLISHMENTS:

In FY 2001, the bureau opened 41 new Petroleum Fund cases, closed 42 cases, and disbursed approximately \$6.07 million in Petroleum Fund monies. In FY 2000, 60 new cases were opened, 3 were closed, and \$6.04 million dollars were disbursed.

OBJECTIVE:

Continue certification of environmental consultants by improving testing and establishing reciprocity with other states.

ACCOMPLISHMENT:

The bureau currently certifies 642 individuals providing environmental remediation services in the Consultant Certification program.

OBJECTIVE:

Continue to implement and improve benefit criteria used in determining the cost of cleaning up pollution.

ACCOMPLISHMENTS:

The State of Nevada has initiated Brownfields, a land-recycling program, to redevelop undesirable properties and revitalize communities. (The term "brownfields" is used to describe abandoned, idled, or underused industrial or commercial properties taken out of productive use because of real or perceived risks from environmental contamination.) The Former Fire Training Academy in Stead, owned by UNR, has elected to undergo cleanup via the Voluntary Cleanup Program authorized by the 1999 legislature.

SIGNIFICANT LEGISLATION OR EXECUTIVE ACTION AFFECTING THE AGENCY: The bureau, in coordination with other bureaus in the division, has provided the resources to conduct environmental data collection to support the ongoing effort to identify the source problem of the Fallon child leukemia outbreak. The project was coordinated by the Administrator's Office, tapping expertise throughout the division.

BUREAU OF WASTE MANAGEMENT

PURPOSE:

The bureau plans, regulates, and permits activities to ensure environmentally sound management of solid and hazardous waste. The bureau through the division is authorized to implement Subtitle C and D of the federal Resource Conservation and Recovery Act. The bureau also enforces the state's Chemical Accident Prevention Program (CAPP) to protect the public health and safety, and the environment from the hazards of accidental releases of highly hazardous chemicals.

OBJECTIVE:

Reduce generation of solid and hazardous waste in Nevada by encouraging waste reduction, recycling, and product substitution

ACCOMPLISHMENTS:

Nevada currently diverts approximately 11% of the roughly three million tons disposed in landfills each year. The state goal is to divert 25% of the waste stream going to landfills.

Efforts are underway to increase promotion of recycling in the Clark County area particularly, given the lagging recycling rate.

OBJECTIVE:

Prevent uncontrolled release of hazardous waste to the environment through effective permitting controls, compliance monitoring, and enforcement.

ACCOMPLISHMENTS:

There are roughly 2,000 generators of hazardous waste in Nevada, about 50 transporters, and six permitted facilities that treat, store, or dispose of hazardous waste. Of the generators inspected, the bureau has achieved a 95% compliance rate. Permitted facilities which are inspected quarterly were found to be in substantial compliance in FY 2001.

OBJECTIVE:

Prevent release of pollutants or contaminants from solid waste disposal facilities through effective permitting controls, compliance monitoring, and enforcement.

ACCOMPLISHMENT:

A study of potential ground water impacts from closed landfill sites was initiated. Preliminary results suggest that closed, small, rural landfill sites do not represent a significant threat to ground water quality.

OBJECTIVE:

Reduce the risk of catastrophic release of highly hazardous chemicals through technical review of facility risk assessments, monitoring of compliance with hazard abatement plans and reporting requirements, and enforcement.

ACCOMPLISHMENTS:

The bureau's CAPP was expanded as a result of legislation passed in 1999 to apply to facilities that manufacture explosives for sale and to include a permitting requirement for new facilities. Substantial regulations to implement these new responsibilities have been adopted in the past biennium. Program staff continues to conduct inspections at the 46 registered facilities and are actively involved with local agencies to review applications for new facilities.

STATE ENVIRONMENTAL COMMISSION

PURPOSE:

The commission adopts environmental rules, regulations, and plans authorized by statute to protect the environment and public health and welfare. The commission also acts as the appeal body to actions of the division. The commission also acts upon variances to regulatory requirements.

ORGANIZATIONAL STRUCTURE:

The commission is an 11-member board composed of citizens and agency administrators. The two person staff and support for the Secretariat are provided by the division.

STATUTORY AUTHORITY:

NRS 232.136, 278, 444, 444A, 445A, 445B, 445C, 459, 486A, 519A, 590, and 618

NUMBER OF EMPLOYEES: 0 FTE/2002

OBJECTIVE:

Process regulatory petitions in a timely and efficient manner.

ACCOMPLISHMENTS:

The State Environmental Commission adopted 21 permanent regulatory petitions in calendar year 2000 through 2001. As a result of the bankruptcy of mining operations, the commission acted to clarify criteria for mining sureties and to establish a surety readiness trust fund to deal with fluid management at bankrupt mines. The commission also adopted regulations establishing a certification program for the voluntary clean up residential and commercial properties, a program to establish recycling in public buildings and a fundamental overhaul of the water quality laboratory certification program.

The commission continued to adopt rules refining the air pollution control permitting program and the water pollution control program. The commission reformed the air quality operating permit program by adding Class III permits for small stationary sources. In the area of water pollution control the commission adopted regulations expanding the underground injection control program. The commission also allowed low emission vehicles into the alternative fueled fleet program, and provided for contingency measures for the vehicle emission control program regarding onboard diagnostic technology.

The commission made technical revisions to the water quality standards and moved forward a major regulatory package relating to standards for the Walker River and new water quality standards for Walker Lake. The original petition was denied by the Legislative Commission; however, the commission later adopted separate petitions on the Walker Lake and River that were less controversial. The Chemical Accident Prevention Program was expanded to include explosives manufacturers.

A minor regulation relating the definition of a water pollution diffuse source was adopted. This regulation dissolved the ongoing conflict between the Elko County and the state regarding the complex issues that arose out of the dispute on the Jarbidge River.

STATE BOARD TO REVIEW CLAIMS (PETROLEUM FUND)

PURPOSE:

The State Petroleum Fund is designed to provide financial responsibility for federally regulated underground storage tanks. Coverage is also provided for non-commercial heating oil tanks and certain non-regulated tanks. The fund provides reimbursements for corrective action costs associated with petroleum product releases.

ORGANIZATIONAL STRUCTURE:

The board is composed of seven members. The six person staff is provided by the division.

STATUTORY AUTHORITY: NRS 590.700 to 590.920

NUMBER OF EMPLOYEES: 0 FTE/2002

OBJECTIVE:

Continually review fund procedures to make processing of applications more efficient.

ACCOMPLISHMENTS:

In FY 2000, 60 new Petroleum Fund cases were opened, 3 cases were closed, and approximately \$6.04 million in

Petroleum Fund monies were disbursed. In FY 2001, 41 new Petroleum Fund cases were opened, 42 cases were closed, and approximately \$6.07 million in Petroleum Fund monies were disbursed.



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